

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LEE VALLEY TOOLS, LTD.,)
VERITAS TOOLS, INC. (Canada), and)
VERITAS TOOLS, INC. (USA),) 10-CV-6246 (CJS)
Plaintiffs,)
v.) **PROPOSED DISCOVERY PLAN**
WOODCRAFT SUPPLY LLC,)
INDUSTRIAL BLADE COMPANY, and)
ROBERT COSMAN,)
Defendants.)

Pursuant to this Court's Order of August 19, 2010, Lee Valley Tools, Ltd., Veritas Tools, Inc. (Canada), and Veritas Tools, Inc. (USA) (collectively, "Lee Valley" or "Plaintiffs"), Defendant Woodcraft Supply LLC ("Woodcraft"), and Defendant Cosman ("Cosman") in the above-captioned action, through their undersigned counsel, submit this joint Proposed Discovery Plan ("PDP").

1. The parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial.
2. Initial disclosures pursuant to Rules 26(a)(1), Fed. R. Civ. P. shall be completed no later than 14 days from the date of this Order.
3. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within 45 days from the date of this Order.
4. All fact discovery shall be completed no later than [February 7, 2011, as requested by Lee Valley; August 8, 2011, as requested by Woodcraft; June 7, 2011, as requested by Cosman]
5. a. All expert discovery shall be completed no later than [one month after the close of fact discovery, as requested by Lee Valley; two months after the close of fact discovery, as requested by Woodcraft].

- b. No later than thirty (30) days prior to the date in paragraph 4, i.e. the completion of all fact discovery, the parties shall meet and confer on a schedule for expert disclosures, including reports, production of underlying documents and depositions.
- 6. All motions to compel discovery shall be filed within 10 days from the close of expert discovery.
- 7. All motions and applications shall be governed by the Court's Individual Practices, including pre-motion conference requirements.
- 8. Parties will submit a joint proposed Protective Order to the Court.
- 9. All dispositive motions shall be filed within 30 days from the close of expert discovery.
- 10. All parties, including party representatives with settlement authority, must appear for a judicially supervised settlement conference within 14 days from the close of fact discovery.
- 11. A final pretrial conference will be held on **[April 30, 2011, as requested by Lee Valley; December 7, 2011, as requested by Woodcraft; August 30, 2011, as requested by Cosman]**.
- 12. A Joint Pretrial Order shall be filed no later than 10 days after the final pretrial conference. The requirements for the pretrial order and other pretrial submissions shall be governed by the Court's Individual Rules of Practice.
- 13. Counsel for the parties have conferred and their present best estimate of the length of trial is: five (5) days.
- 14. Lee Valley and Woodcraft have requested a jury trial.

SO ORDERED:

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
September __, 2010